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Chief Clerk of the House

FILED MAR 11 2005

By: Gene

H.B. No. 2949

A BILL TO BE ENTITLED

AN ACT

relating to the authority of the Texas Commission on Environmental  
Quality to issue an emergency order authorizing certain action in  
the event of a catastrophe.

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF TEXAS:

SECTION 1. Sections 5.515(a), (b), (d), and (e), Water  
Code, are amended to read as follows:

(a) The commission may issue an emergency order authorizing  
immediate action for the addition, replacement, or repair of  
facilities or control equipment or the repair or replacement of  
roads, bridges, or other infrastructure improvements necessitated  
by a catastrophe occurring in this state and the emission of air  
contaminants during the addition, replacement, or repair of those  
facilities, that equipment, or those improvements if the actions  
and emissions are otherwise precluded under Chapter 382, Health and  
Safety Code.

(b) An order issued under this section:

(1) may authorize action only ~~on~~:

(A) on property on which a catastrophe has  
occurred; ~~on~~

(B) on other property that is owned by the owner  
or operator of the damaged facility and that produces the same  
intermediates, products, or by-products; or

(C) for a public works project needed to repair

1 or replace a damaged road, bridge, or other infrastructure  
2 improvement destroyed during a catastrophe; and

3 (2) must contain a schedule for submitting a complete  
4 application for a permit under Section 382.0518, Health and Safety  
5 Code.

6 (d) An applicant desiring an emergency order under this  
7 section must submit an application under Section 5.502 that, in  
8 addition to complying with that section:

9 (1) describes the catastrophe;

10 (2) states that:

11 (A) the construction and emissions are essential  
12 to prevent loss of life, serious injury, severe property damage,  
13 loss of a critical transportation thoroughfare, or severe economic  
14 loss not attributable to the applicant's actions and are necessary  
15 for the addition, replacement, or repair of a facility or control  
16 equipment or the repair or replacement of a road, bridge, or other  
17 infrastructure improvement necessitated by the catastrophe;

18 (B) there is no practicable alternative to the  
19 proposed construction and emissions; and

20 (C) the emissions will not cause or contribute to  
21 air pollution;

22 (3) estimates the dates on which the proposed  
23 construction or emissions, or both, will begin and end;

24 (4) estimates the date on which the facility,  
25 equipment, or infrastructure improvement will begin operation; and

26 (5) describes the quantity and type of air  
27 contaminants proposed to be emitted.

1           (e) In this section, "catastrophe" means an unforeseen  
2 event, including an act of God, an act of war, severe weather,  
3 explosions, fire, or similar occurrences beyond the reasonable  
4 control of the applicant [~~operator~~], that makes a facility or its  
5 related appurtenances or a road, bridge, or other infrastructure  
6 improvement inoperable.

7           SECTION 2. This Act takes effect September 1, 2005.

# HOUSE COMMITTEE REPORT

05 APR -6 PM 11: 45  
HOUSE OF REPRESENTATIVES

1<sup>st</sup> Printing

By: Geren

H.B. No. 2949

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facilities, that equipment, or those improvements if the actions  
and emissions are otherwise precluded under Chapter 382, Health and  
Safety Code.

(b) An order issued under this section:

(1) may authorize action only [~~on~~]:

(A) on property on which a catastrophe has  
occurred; [~~on~~]

(B) on other property that is owned by the owner  
or operator of the damaged facility and that produces the same  
intermediates, products, or by-products; or

(C) for a public works project needed to repair

1 or replace a damaged road, bridge, or other infrastructure  
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3 (2) must contain a schedule for submitting a complete  
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6 (d) An applicant desiring an emergency order under this  
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15 for the addition, replacement, or repair of a facility or control  
16 equipment or the repair or replacement of a road, bridge, or other  
17 infrastructure improvement necessitated by the catastrophe;

18 (B) there is no practicable alternative to the  
19 proposed construction and emissions; and

20 (C) the emissions will not cause or contribute to  
21 air pollution;

22 (3) estimates the dates on which the proposed  
23 construction or emissions, or both, will begin and end;

24 (4) estimates the date on which the facility,  
25 equipment, or infrastructure improvement will begin operation; and

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27 contaminants proposed to be emitted.

1           (e) In this section, "catastrophe" means an unforeseen  
2 event, including an act of God, an act of war, severe weather,  
3 explosions, fire, or similar occurrences beyond the reasonable  
4 control of the applicant [~~operator~~], that makes a facility or its  
5 related appurtenances or a road, bridge, or other infrastructure  
6 improvement inoperable.

7           SECTION 2. This Act takes effect September 1, 2005.

COMMITTEE REPORT

The Honorable Tom Craddick  
Speaker of the House of Representatives

4/5/05  
(date)

Sir:

We, your COMMITTEE ON ENVIRONMENTAL REGULATION

to whom was referred HB 2949 have had the same under consideration and beg to report back with the recommendation that it

- (X) do pass, without amendment.
- ( ) do pass, with amendment(s).
- ( ) do pass and be not printed; a Complete Committee Substitute is recommended in lieu of the original measure.
- (X) yes ( ) no A fiscal note was requested.
- ( ) yes (X) no A criminal justice policy impact statement was requested.
- ( ) yes (X) no An equalized educational funding impact statement was requested.
- ( ) yes (X) no An actuarial analysis was requested.
- ( ) yes (X) no A water development policy impact statement was requested.
- ( ) yes (X) no A tax equity note was requested.
- (X) The Committee recommends that this measure be sent to the Committee on Local and Consent Calendars.

For Senate Measures: House Sponsor \_\_\_\_\_

Joint Sponsors: \_\_\_\_\_ / \_\_\_\_\_ / \_\_\_\_\_

Co-Sponsors: \_\_\_\_\_

The measure was reported from Committee by the following vote:

	AYE	NAY	PNV	ABSENT
Bonnen, Chair	X			
Howard, Vice-chair	X			
Driver	X			
Homer	X			
King, T.	X			
Kuempel	X			
Smith, W.	X			

Total      7      aye  
                 0      nay  
                 0      present, not voting  
                 0      absent

Dennis Bonnen  
CHAIR

## **BILL ANALYSIS**

H.B. 2949  
By: Geren  
Environmental Regulation  
Committee Report (Unamended)

### **BACKGROUND AND PURPOSE**

The Texas Commission on Environmental Quality (TCEQ) has the authority to issue an emergency order to allow immediate action to facilitate the repair, replacement or addition to facilities that have been damaged or made inoperable by a catastrophic event. Currently, however, the Commission has little or no authority to grant an emergency order for the placement of facilities to repair or replace roads, bridges, or make other infrastructure improvements that are needed as a result of a catastrophe.

HB 2949 would allow the Commission to issue an emergency order to authorize facilities to temporarily locate and repair or reconstruct public works projects that have been damaged or destroyed due to unforeseen acts of nature or emergencies.

### **RULEMAKING AUTHORITY**

It is the opinion of the committee that this bill does not expressly grant any additional rulemaking authority to a state officer, department, agency, or institution.

### **ANALYSIS**

House Bill 2949 amends the Water Code to authorize the Texas Commission on Environmental Quality to issue an emergency order authorizing immediate action for the repair or replacement of roads, bridges, or other infrastructure destroyed during a catastrophe and the emissions of air contaminant during such action. The bill amends the application requirements for an emergency order.

### **EFFECTIVE DATE**

September 1, 2005



## SUMMARY OF COMMITTEE ACTION

HB 2949

March 29, 2005      2:00PM      or upon final adjourn./recess

Considered in public hearing  
Testimony taken in committee (See attached witness list.)  
Left pending in committee

April 5, 2005      8:00AM

Considered in public hearing  
Recommended to be sent to Local & Consent  
Reported favorably without amendment(s)

2

WITNESS LIST

HB 2949  
HOUSE COMMITTEE REPORT  
Environmental Regulation Committee

March 29, 2005 - 2:00PM or upon final adjourn./recess

On: Minter, John (Tx Comm. on Environmental Quality)

**LEGISLATIVE BUDGET BOARD**  
**Austin, Texas**

**FISCAL NOTE, 79TH LEGISLATIVE REGULAR SESSION**

**March 28, 2005**

**TO:** Honorable Dennis Bonnen, Chair, House Committee on Environmental Regulation

**FROM:** John S. O'Brien, Deputy Director, Legislative Budget Board

**IN RE: HB2949** by Geren (Relating to the authority of the Texas Commission on Environmental Quality to issue an emergency order authorizing certain action in the event of a catastrophe.),  
**As Introduced**

<b>No significant fiscal implication to the State is anticipated.</b>
---

The bill would authorize the Texas Commission on Environmental Quality to issue an emergency order authorizing the addition, replacement, or repair of facilities and control equipment, and the emissions resulting from these actions following a catastrophe. The revision would include authorization to issue such orders for public works projects needed to rebuild or repair damaged roads, bridges, or other infrastructure destroyed during a catastrophe. The Department of Transportation expects that the bill's passage would reduce down time for completing repairs by providing for quicker responses more rapid repairs after a catastrophe.

No significant costs or savings are anticipated as a result of the bill's passage.

**Local Government Impact**

No significant fiscal implication to units of local government is anticipated.

**Source Agencies:** 582 Commission on Environmental Quality, 601 Department of Transportation

**LBB Staff:** JOB, WK, ZS, TL

# HOUSE ENGROSSMENT

By: Geren

H.B. No. 2949

## A BILL TO BE ENTITLED

### AN ACT

relating to the authority of the Texas Commission on Environmental Quality to issue an emergency order authorizing certain action in the event of a catastrophe.

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF TEXAS:

SECTION 1. Sections 5.515(a), (b), (d), and (e), Water Code, are amended to read as follows:

(a) The commission may issue an emergency order authorizing immediate action for the addition, replacement, or repair of facilities or control equipment or the repair or replacement of roads, bridges, or other infrastructure improvements necessitated by a catastrophe occurring in this state and the emission of air contaminants during the addition, replacement, or repair of those facilities, that equipment, or those improvements if the actions and emissions are otherwise precluded under Chapter 382, Health and Safety Code.

(b) An order issued under this section:

(1) may authorize action only ~~on~~:

(A) on property on which a catastrophe has occurred; ~~on~~

(B) on other property that is owned by the owner or operator of the damaged facility and that produces the same intermediates, products, or by-products; or

(C) for a public works project needed to repair

1 or replace a damaged road, bridge, or other infrastructure  
2 improvement destroyed during a catastrophe; and

3 (2) must contain a schedule for submitting a complete  
4 application for a permit under Section 382.0518, Health and Safety  
5 Code.

6 (d) An applicant desiring an emergency order under this  
7 section must submit an application under Section 5.502 that, in  
8 addition to complying with that section:

9 (1) describes the catastrophe;

10 (2) states that:

11 (A) the construction and emissions are essential  
12 to prevent loss of life, serious injury, severe property damage,  
13 loss of a critical transportation thoroughfare, or severe economic  
14 loss not attributable to the applicant's actions and are necessary  
15 for the addition, replacement, or repair of a facility or control  
16 equipment or the repair or replacement of a road, bridge, or other  
17 infrastructure improvement necessitated by the catastrophe;

18 (B) there is no practicable alternative to the  
19 proposed construction and emissions; and

20 (C) the emissions will not cause or contribute to  
21 air pollution;

22 (3) estimates the dates on which the proposed  
23 construction or emissions, or both, will begin and end;

24 (4) estimates the date on which the facility,  
25 equipment, or infrastructure improvement will begin operation; and

26 (5) describes the quantity and type of air  
27 contaminants proposed to be emitted.

1           (e) In this section, "catastrophe" means an unforeseen  
2 event, including an act of God, an act of war, severe weather,  
3 explosions, fire, or similar occurrences beyond the reasonable  
4 control of the applicant [~~operator~~], that makes a facility or its  
5 related appurtenances or a road, bridge, or other infrastructure  
6 improvement inoperable.

7           SECTION 2. This Act takes effect September 1, 2005.

**LEGISLATIVE BUDGET BOARD**  
**Austin, Texas**

**FISCAL NOTE, 79TH LEGISLATIVE REGULAR SESSION**

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**As Introduced**

<b>No significant fiscal implication to the State is anticipated.</b>
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The bill would authorize the Texas Commission on Environmental Quality to issue an emergency order authorizing the addition, replacement, or repair of facilities and control equipment, and the emissions resulting from these actions following a catastrophe. The revision would include authorization to issue such orders for public works projects needed to rebuild or repair damaged roads, bridges, or other infrastructure destroyed during a catastrophe. The Department of Transportation expects that the bill's passage would reduce down time for completing repairs by providing for quicker responses more rapid repairs after a catastrophe.

No significant costs or savings are anticipated as a result of the bill's passage.

**Local Government Impact**

No significant fiscal implication to units of local government is anticipated.

**Source Agencies:** 582 Commission on Environmental Quality, 601 Department of Transportation

**LBB Staff:** JOB, WK, ZS, TL

1-1 By: Geren (Senate Sponsor - Lucio) H.B. No. 2949  
1-2 (In the Senate - Received from the House April 18, 2005;  
1-3 April 19, 2005, read first time and referred to Committee on  
1-4 Natural Resources; May 2, 2005, reported favorably by the  
1-5 following vote: Yeas 9, Nays 0; May 2, 2005, sent to printer.)

1-6 A BILL TO BE ENTITLED  
1-7 AN ACT

1-8 relating to the authority of the Texas Commission on Environmental  
1-9 Quality to issue an emergency order authorizing certain action in  
1-10 the event of a catastrophe.

1-11 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF TEXAS:

1-12 SECTION 1. Sections 5.515(a), (b), (d), and (e), Water  
1-13 Code, are amended to read as follows:

1-14 (a) The commission may issue an emergency order authorizing  
1-15 immediate action for the addition, replacement, or repair of  
1-16 facilities or control equipment or the repair or replacement of  
1-17 roads, bridges, or other infrastructure improvements necessitated  
1-18 by a catastrophe occurring in this state and the emission of air  
1-19 contaminants during the addition, replacement, or repair of those  
1-20 facilities, that equipment, or those improvements if the actions  
1-21 and emissions are otherwise precluded under Chapter 382, Health and  
1-22 Safety Code.

1-23 (b) An order issued under this section:

1-24 (1) may authorize action only ~~[on]~~:

1-25 (A) on property on which a catastrophe has  
1-26 occurred; ~~[on]~~

1-27 (B) on other property that is owned by the owner  
1-28 or operator of the damaged facility and that produces the same  
1-29 intermediates, products, or by-products; or

1-30 (C) for a public works project needed to repair  
1-31 or replace a damaged road, bridge, or other infrastructure  
1-32 improvement destroyed during a catastrophe; and

1-33 (2) must contain a schedule for submitting a complete  
1-34 application for a permit under Section 382.0518, Health and Safety  
1-35 Code.

1-36 (d) An applicant desiring an emergency order under this  
1-37 section must submit an application under Section 5.502 that, in  
1-38 addition to complying with that section:

1-39 (1) describes the catastrophe;

1-40 (2) states that:

1-41 (A) the construction and emissions are essential  
1-42 to prevent loss of life, serious injury, severe property damage,  
1-43 loss of a critical transportation thoroughfare, or severe economic  
1-44 loss not attributable to the applicant's actions and are necessary  
1-45 for the addition, replacement, or repair of a facility or control  
1-46 equipment or the repair or replacement of a road, bridge, or other  
1-47 infrastructure improvement necessitated by the catastrophe;

1-48 (B) there is no practicable alternative to the  
1-49 proposed construction and emissions; and

1-50 (C) the emissions will not cause or contribute to  
1-51 air pollution;

1-52 (3) estimates the dates on which the proposed  
1-53 construction or emissions, or both, will begin and end;

1-54 (4) estimates the date on which the facility,  
1-55 equipment, or infrastructure improvement will begin operation; and

1-56 (5) describes the quantity and type of air  
1-57 contaminants proposed to be emitted.

1-58 (e) In this section, "catastrophe" means an unforeseen  
1-59 event, including an act of God, an act of war, severe weather,  
1-60 explosions, fire, or similar occurrences beyond the reasonable  
1-61 control of the applicant ~~[operator]~~, that makes a facility or its  
1-62 related appurtenances or a road, bridge, or other infrastructure  
1-63 improvement inoperable.

1-64 SECTION 2. This Act takes effect September 1, 2005.

\* \* \* \* \*



FAVORABLE  
SENATE COMMITTEE REPORT ON

SB SCR SJR SR HB HCR HJR

By GEREN / LUCIO

(Author/Senate Sponsor)

5/2/05

(date)

We, your Committee on NATURAL RESOURCES, to which was referred the attached measure,  
have on 4/28/05, had the same under consideration and I am instructed to report it  
(date of hearing)  
back with the recommendation (s) that it:

☒ do pass and be printed

☐ do pass and be ordered not printed

☒ and is recommended for placement on the Local and Uncontested Bills Calendar.

A fiscal note was requested. ☒ yes ☐ no

A revised fiscal note was requested. ☐ yes ☒ no

An actuarial analysis was requested. ☐ yes ☒ no

Considered by subcommittee. ☐ yes ☒ no

The measure was reported from Committee by the following vote:

	YEA	NAY	ABSENT	PNV
Senator Armbrister, Chair	<input checked="" type="checkbox"/>			
Senator Jackson, Vice-Chair	<input checked="" type="checkbox"/>			
Senator Barrientos	<input checked="" type="checkbox"/>			
Senator Duncan			<input checked="" type="checkbox"/>	
Senator Estes	<input checked="" type="checkbox"/>			
Senator Fraser	<input checked="" type="checkbox"/>			
Senator Hinojosa	<input checked="" type="checkbox"/>			
Senator Lindsay	<input checked="" type="checkbox"/>			
Senator Madla	<input checked="" type="checkbox"/>			
Senator Seliger	<input checked="" type="checkbox"/>			
Senator Staples			<input checked="" type="checkbox"/>	
TOTAL VOTES	9	0	2	0

COMMITTEE ACTION

☒ S260 Considered in public hearing

☐ S270 Testimony taken

Kelly C. Melner  
COMMITTEE CLERK

K. Armbrister  
CHAIRMAN

Paper clip the original and one copy of this signed form to the original bill  
Retain one copy of this form for Committee files

WITNESS LIST

HB 2949

SENATE COMMITTEE REPORT

Natural Resources

April 28, 2005 - 1:30PM

Registering, but not testifying:

For: Day, Aaron (City of Fort Worth), Fort Worth, TX

## **BILL ANALYSIS**

Senate Research Center  
79R7632 SMH-F

H.B. 2949  
By: Geren (Lucio)  
Natural Resources  
4/28/2005  
Engrossed

### **AUTHOR'S/SPONSOR'S STATEMENT OF INTENT**

Current Texas law grants authority to the Texas Commission on Environmental Quality (TCEQ) to issue an emergency order to allow immediate action to facilitate the repair of, replacement of, or addition to facilities that have been damaged or made inoperable by a catastrophic event. However, TCEQ has little or no authority to grant an emergency order for the replacement of facilities in need of repair, or to replace roads, bridges, or make other infrastructure improvements that are needed as a result of a catastrophe.

H.B. 2949 allows TCEQ to issue emergency orders to authorize the temporary relocation and repair or reconstruction of public works projects that have been damaged or destroyed due to unforeseen acts of nature or other emergencies.

### **RULEMAKING AUTHORITY**

This bill does not expressly grant any additional rulemaking authority to a state officer, institution, or agency.

### **SECTION BY SECTION ANALYSIS**

SECTION 1. Amends Sections 5.515(a), (b), (d), and (e), Water Code, as follows:

- (a) Authorizes the Texas Commission on Environmental Quality (TCEQ) to issue an emergency order authorizing immediate action for the repair or replacement of roads, bridges, or other infrastructure improvements necessitated by a catastrophe occurring in this state and the emission of air contaminants during the addition, replacement, or repair of those facilities, that equipment, or those improvements if the actions and emissions are otherwise precluded under Chapter 382 (Clean Air Act), Health and Safety Code.
- (b) Provides that an order issued under this section may authorize action only for a public works project needed to repair or replace a damaged road, bridge, or other infrastructure improvement destroyed during a catastrophe.
- (d) Requires an applicant desiring an emergency order under this section to submit an application under Section 5.502 that, in addition to complying with that section states that the construction and emissions are essential to prevent loss of life, serious injury, severe property damage, loss of a critical transportation thoroughfare, or severe economic loss not attributable to the applicant's actions and are necessary for the addition, replacement, or repair of a facility or control equipment, or repair or replacement of roads, bridges, or other infrastructure, necessitated by the catastrophe. Makes a conforming change.
- (e) Redefines "catastrophe."

SECTION 2. Effective date: September 1, 2005.

**LEGISLATIVE BUDGET BOARD**

**Austin, Texas**

**FISCAL NOTE, 79TH LEGISLATIVE REGULAR SESSION**

**April 27, 2005**

**TO:** Honorable Kenneth Armbrister, Chair, Senate Committee on Natural Resources

**FROM:** John S. O'Brien, Deputy Director, Legislative Budget Board

**IN RE: HB2949** by Geren (Relating to the authority of the Texas Commission on Environmental Quality to issue an emergency order authorizing certain action in the event of a catastrophe.),  
**As Engrossed**

<p><b>No significant fiscal implication to the State is anticipated.</b></p>
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The bill would authorize the Texas Commission on Environmental Quality to issue an emergency order authorizing the addition, replacement, or repair of facilities and control equipment, and the emissions resulting from these actions following a catastrophe. The revision would include authorization to issue such orders for public works projects needed to rebuild or repair damaged roads, bridges, or other infrastructure destroyed during a catastrophe. The Department of Transportation expects that the bill's passage would reduce down time for completing repairs by providing for quicker responses more rapid repairs after a catastrophe.

No significant costs or savings are anticipated as a result of the bill's passage.

**Local Government Impact**

No significant fiscal implication to units of local government is anticipated.

**Source Agencies:** 582 Commission on Environmental Quality, 601 Department of Transportation

**LBB Staff:** JOB, WK, ZS, TL

**LEGISLATIVE BUDGET BOARD**

**Austin, Texas**

**FISCAL NOTE, 79TH LEGISLATIVE REGULAR SESSION**

**March 28, 2005**

**TO:** Honorable Dennis Bonnen, Chair, House Committee on Environmental Regulation

**FROM:** John S. O'Brien, Deputy Director, Legislative Budget Board

**IN RE: HB2949** by Geren (Relating to the authority of the Texas Commission on Environmental Quality to issue an emergency order authorizing certain action in the event of a catastrophe.),  
**As Introduced**

<b>No significant fiscal implication to the State is anticipated.</b>
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**Source Agencies:** 582 Commission on Environmental Quality, 601 Department of Transportation

**LBB Staff:** JOB, WK, ZS, TL

# REQUEST FOR LOCAL & UNCONTESTED CALENDAR PLACEMENT

SENATOR CHRIS HARRIS, CHAIRMAN  
SENATE COMMITTEE ON ADMINISTRATION

Notice is hereby given that HB 2949, by GEREN / Lucio,  
(Bill No.) (Author/Sponsor)  
was heard by the Committee on Natural Resources on 4/28/05,  
2005,

and reported out with the recommendation that it be placed on the Local and Uncontested Calendar.

HB Ky C. Mellett  
(Clerk of the reporting committee)

**IMPORTANT: A COPY OF THIS FORM MUST BE ATTACHED TO A COMMITTEE PRINTED VERSION OF THE BILL OR RESOLUTION AND SHOULD BE DELIVERED TO THE ADMINISTRATION COMMITTEE OFFICE, E1.714. DEADLINES FOR SUBMITTING BILLS AND RESOLUTIONS WILL BE ANNOUNCED ON A REGULAR BASIS.**

**ENROLLED**

H.B. No. 2949

AN ACT

relating to the authority of the Texas Commission on Environmental Quality to issue an emergency order authorizing certain action in the event of a catastrophe.

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF TEXAS:

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(b) An order issued under this section:

(1) may authorize action only ~~[on]~~:

(A) on property on which a catastrophe has occurred; ~~[on]~~

(B) on other property that is owned by the owner or operator of the damaged facility and that produces the same intermediates, products, or by-products; or

(C) for a public works project needed to repair

1 or replace a damaged road, bridge, or other infrastructure  
2 improvement destroyed during a catastrophe; and

3 (2) must contain a schedule for submitting a complete  
4 application for a permit under Section 382.0518, Health and Safety  
5 Code.

6 (d) An applicant desiring an emergency order under this  
7 section must submit an application under Section 5.502 that, in  
8 addition to complying with that section:

9 (1) describes the catastrophe;

10 (2) states that:

11 (A) the construction and emissions are essential  
12 to prevent loss of life, serious injury, severe property damage,  
13 loss of a critical transportation thoroughfare, or severe economic  
14 loss not attributable to the applicant's actions and are necessary  
15 for the addition, replacement, or repair of a facility or control  
16 equipment or the repair or replacement of a road, bridge, or other  
17 infrastructure improvement necessitated by the catastrophe;

18 (B) there is no practicable alternative to the  
19 proposed construction and emissions; and

20 (C) the emissions will not cause or contribute to  
21 air pollution;

22 (3) estimates the dates on which the proposed  
23 construction or emissions, or both, will begin and end;

24 (4) estimates the date on which the facility,  
25 equipment, or infrastructure improvement will begin operation; and

26 (5) describes the quantity and type of air  
27 contaminants proposed to be emitted.



1           (e) In this section, "catastrophe" means an unforeseen  
2 event, including an act of God, an act of war, severe weather,  
3 explosions, fire, or similar occurrences beyond the reasonable  
4 control of the applicant [~~operator~~], that makes a facility or its  
5 related appurtenances or a road, bridge, or other infrastructure  
6 improvement inoperable.

7           SECTION 2. This Act takes effect September 1, 2005.

H.B. No. 2949

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President of the Senate

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Speaker of the House

I certify that H.B. No. 2949 was passed by the House on April 14, 2005, by a non-record vote.

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Chief Clerk of the House

I certify that H.B. No. 2949 was passed by the Senate on May 10, 2005, by the following vote: Yeas 31, Nays 0.

---

Secretary of the Senate

APPROVED: \_\_\_\_\_

Date

---

Governor

\_\_\_\_\_  
President of the Senate

\_\_\_\_\_  
Speaker of the House

I certify that H.B. No. 2949  
(1) was passed by the House

on April 18  
(2) 4, 2005, by a non-record vote.

\_\_\_\_\_  
Chief Clerk of the House

I certify that H.B. No. 2949 was passed by the Senate

on May 10  
(3), 2005, by the following vote:

Yeas 31, Nays 0  
(4) (5)

\_\_\_\_\_  
Secretary of the Senate

APPROVED:

\_\_\_\_\_  
Date

\_\_\_\_\_  
Governor

\*\*\*\* Preparation: CT26

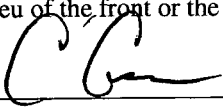
79TH LEGISLATURE

COAUTHOR AUTHORIZATION

(please request your coauthors to sign this form  
in lieu of the front or the back of the original bill)

Bill or Resolution Number: HB 2949

**MAR 11 2005**

  
signature of **primary** author

Gene  
printed name of **primary** author

\_\_\_\_\_  
Date

PERMISSION TO SIGN HB 2949 HAS BEEN GIVEN TO (check only one of the following):  
(bill or resolution #)

☒ ALL REPRESENTATIVES

\_\_\_\_\_  
THE FOLLOWING REPRESENTATIVE(S): \_\_\_\_\_

I authorize the Chief Clerk to include my name as a coauthor of the legislation indicated above:

<u>A2100 Allen, Alma</u>	<u>        </u> Date	<u>A2435 Coleman</u>	<u>        </u> Date	<u>A2800 Escobar</u>	<u>        </u> Date
<u>A2115 Allen, Ray</u>	<u>        </u> Date	<u>A2450 Cook, Byron</u>	<u>        </u> Date	<u>A2795 Farabee</u>	<u>        </u> Date
<u>A2125 Alonzo</u>	<u>        </u> Date	<u>A2565 Cook, Robert "Robby"</u>	<u>        </u> Date	<u>A2810 Farrar</u>	<u>        </u> Date
<u>A2150 Anchia</u>	<u>        </u> Date	<u>A2595 Corte</u>	<u>        </u> Date	<u>A2840 Flores</u>	<u>        </u> Date
<u>A2155 Anderson</u>	<u>        </u> Date	<u>A2605 Crabb</u>	<u>        </u> Date	<u>A2850 Flynn</u>	<u>        </u> Date
<u>A2160 Bailey</u>	<u>        </u> Date	<u>A2610 Craddick</u>	<u>        </u> Date	<u>A2860 Frost</u>	<u>        </u> Date
<u>A2170 Baxter</u>	<u>        </u> Date	<u>A2640 Crownover</u>	<u>        </u> Date	<u>A2920 Gallego</u>	<u>        </u> Date
<u>A2205 Berman</u>	<u>        </u> Date	<u>A2620 Davis, John</u>	<u>        </u> Date	<u>A2960 Gattis</u>	<u>        </u> Date
<u>A2220 Blake</u>	<u>        </u> Date	<u>A2625 Davis, Yvonne</u>	<u>        </u> Date	<u>A2945 Geren</u>	<u>        </u> Date
<u>A2230 Bohac</u>	<u>        </u> Date	<u>A2635 Dawson</u>	<u>        </u> Date	<u>A2935 Giddings</u>	<u>        </u> Date
<u>A2250 Bonnen</u>	<u>        </u> Date	<u>A2680 Delisi</u>	<u>        </u> Date	<u>A2910 Gonzales</u>	<u>        </u> Date
<u>A2280 Branch</u>	<u>        </u> Date	<u>A3385 Denny</u>	<u>        </u> Date	<u>A4660 Gonzalez Toureilles</u>	<u>        </u> Date
<u>A2265 Brown, Betty</u>	<u>        </u> Date	<u>A2690 Deshotel</u>	<u>        </u> Date	<u>A2985 Goodman</u>	<u>        </u> Date
<u>A2270 Brown, Fred</u>	<u>        </u> Date	<u>A2705 Driver</u>	<u>        </u> Date	<u>A2990 Goolsby</u>	<u>        </u> Date
<u>A2255 Burnam</u>	<u>        </u> Date	<u>A2665 Dukes</u>	<u>        </u> Date	<u>A3010 Griggs</u>	<u>        </u> Date
<u>A2295 Callegari</u>	<u>        </u> Date	<u>A2660 Dunnam</u>	<u>        </u> Date	<u>A3020 Grusendorf</u>	<u>        </u> Date
<u>A2290 Campbell</u>	<u>        </u> Date	<u>A2650 Dutton</u>	<u>        </u> Date	<u>A3045 Guillen</u>	<u>        </u> Date
<u>A2490 Casteel</u>	<u>        </u> Date	<u>A2770 Edwards</u>	<u>        </u> Date	<u>A3035 Haggerty</u>	<u>        </u> Date
<u>A2495 Castro</u>	<u>        </u> Date	<u>A2775 Eiland</u>	<u>        </u> Date	<u>A3050 Hamilton</u>	<u>        </u> Date
<u>A2585 Chavez</u>	<u>        </u> Date	<u>A2780 Eissler</u>	<u>        </u> Date	<u>A2695 Hamric</u>	<u>        </u> Date
<u>A2480 Chisum</u>	<u>        </u> Date	<u>A2785 Elkins</u>	<u>        </u> Date	<u>A3160 Hardcastle</u>	<u>        </u> Date

A3165 Harper-Brown	Date	A3540 Laubenberg	Date	A4230 Quintanilla	Date
A3170 Hartnett	Date	A3560 Leibowitz	Date	A4215 Raymond	Date
A3190 Hegar	Date	A3620 Luna	Date	A4236 Reyna	Date
A3140 Herrero	Date	A3715 Madden	Date	A4220 Riddle	Date
A3250 Hilderbran	Date	A3780 Martinez	Date	A4250 Ritter	Date
A3275 Hill	Date	A2835 Martinez Fischer	Date	A4270 Rodriguez	Date
A3305 Hochberg	Date	A3665 McCall	Date	A4350 Rose	Date
A3290 Hodge	Date	A3650 McClendon	Date	A4420 Seaman	Date
A3325 Homer	Date	A3845 McReynolds	Date	A4525 Smith, Todd	Date
A3320 Hope	Date	A3830 Menendez	Date	A4540 Smith, Wayne	Date
A3330 Hopson	Date	A3840 Merritt	Date	A4530 Smithee	Date
A3315 Howard	Date	A3835 Miller	Date	A4550 Solis	Date
A3340 Hughes	Date	A3855 Moreno, Joe	Date	A4505 Solomons	Date
A3355 Hunter	Date	A3860 Moreno, Paul	Date	A4545 Strama	Date
A3360 Hupp	Date	A3870 Morrison	Date	A4570 Swinford	Date
A3375 Isett	Date	A3865 Mowery	Date	A4585 Talton	Date
A3350 Jackson	Date	A3885 Naishtat	Date	A4600 Taylor	Date
A3405 Jones, Delwin	Date	A3895 Nixon	Date	A4630 Thompson	Date
District 121	Date	A3900 Noriega	Date	A4650 Truitt	Date
A3400 Jones, Jesse	Date	A3880 Oliveira	Date	A4685 Turner	Date
A3475 Keel	Date	A3886 Olivo	Date	A4695 Uresti	Date
A3410 Keffer, Bill	Date	A3930 Orr	Date	A4700 Van Arsdale	Date
A3480 Keffer, Jim	Date	A3945 Otto	Date	A4725 Veasey	Date
A3470 King, Phil	Date	A4100 Paxton	Date	A4800 Villarreal	Date
A3465 King, Tracy	Date	A4140 Pena	Date	A4900 Vo	Date
A3495 Kolkhorst	Date	A4160 Phillips	Date	A4995 West	Date
A3485 Krusee	Date	A4180 Pickett	Date	A4985 Wong	Date
A3450 Kuempel	Date	A4185 Pitts	Date	A5005 Woolley	Date
A3510 Laney	Date	A4200 Puente	Date	A5150 Zedler	Date

H.B. No.

2949

A BILL TO BE ENTITLED  
AN ACT

By

*Cen*

relating to the authority of the Texas Commission on Environmental Quality to issue an emergency order authorizing certain action in the event of a catastrophe.

**MAR 11 2005**

Filed with the Chief Clerk

**MAR 17 2005**

Read first time and referred to Committee on

**Environmental Regulation**

**APR 05 2005**

Reported favorably (~~as amended~~)  
(~~substitute~~)

**APR 07 2005**

Sent to Committee on (~~Calendar~~)  
(Local & Consent Calendars)

**APR 14 2005**

Read second time (~~comm. subst.~~) (~~amended~~); passed to third reading (~~failed~~) by a (non-record vote)  
(record vote of \_\_\_\_\_ yeas, \_\_\_\_\_ nays, \_\_\_\_\_ present, not voting)

Constitutional rule requiring bills to be read on three several days suspended (failed to suspend)  
by a vote of \_\_\_\_\_ yeas, \_\_\_\_\_ nays, \_\_\_\_\_ present, not voting

**APR 14 2005**

Read third time (~~amended~~); finally passed (~~failed to pass~~) by a (non-record vote)  
(record vote of \_\_\_\_\_ yeas, \_\_\_\_\_ nays, \_\_\_\_\_ present, not voting)

Engrossed

**APR 18 2005**

Sent to Senate

*Robert Haney*  
CHIEF CLERK OF THE HOUSE

OTHER HOUSE ACTION:

**APR 18 2005**

Received from the House

**APR 19 2005**

Read and referred to Committee on

**NATURAL RESOURCES**

**MAY 02 2005**

Reported favorably

Reported adversely, with favorable Committee Substitute; Committee Substitute read first time

Ordered not printed

**MAY 10 2005**

Laid before the Senate

Senate and Constitutional Rules to permit consideration suspended by (unanimous consent)  
(\_\_\_\_\_ yeas, \_\_\_\_\_ nays)

**MAY 10 2005**

Read second time, \_\_\_\_\_, and passed to third reading by (unanimous consent)  
(a viva voce vote)  
(\_\_\_\_\_ yeas, \_\_\_\_\_ nays)

**MAY 10 2005**

Senate and Constitutional 3 Day Rules suspended by a vote of 31 yeas, 0 nays

**MAY 10 2005**

Read third time, \_\_\_\_\_, and passed by a (viva voce vote)  
(31 yeas, 0 nays)

**May 10, 2005**

Returned to the House

OTHER SENATE ACTION:

*Lataj Spaw*  
SECRETARY OF THE SENATE

MAY 10 2005

Returned from the Senate (as substituted)  
(with amendments)

House concurred in Senate amendments by a (non-record vote)  
(record vote of \_\_\_\_\_ yeas, \_\_\_\_\_ nays, \_\_\_\_\_ present, not voting)

House refused to concur in Senate amendments and requested the appointment of a conference committee  
by a (non-record vote) (record vote of \_\_\_\_\_ yeas, \_\_\_\_\_ nays, \_\_\_\_\_ present, not voting)

House conferees appointed: \_\_\_\_\_, Chair; \_\_\_\_\_,  
\_\_\_\_\_, \_\_\_\_\_, \_\_\_\_\_

Senate granted House request. Senate conferees appointed: \_\_\_\_\_, Chair;  
\_\_\_\_\_, \_\_\_\_\_, \_\_\_\_\_, \_\_\_\_\_

Conference committee report adopted (rejected) by the House by a (non-record vote)  
(record vote of \_\_\_\_\_ yeas, \_\_\_\_\_ nays, \_\_\_\_\_ present, not voting)

Conference committee report adopted (rejected) by the Senate by a (viva voce vote)  
(record vote of \_\_\_\_\_ yeas, \_\_\_\_\_ nays)

05 APR -6 PM 11:45

HOUSE OF REPRESENTATIVES